<u>REMARKS/ARGUMENTS</u>

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10, 12-23, 25 and 27-49 are pending, with Claims 1-3, 5-10, 12-15, 18-23, 25, 27-30, 36, 40, 42-43 and 45-46 amended and Claims 11, 24 and 26 cancelled by the present amendment.

In the Official Action, Claims 15-49 were rejected under 35 U.S.C. § 102(e) as being anticipated by <u>Tonelli</u> (U.S. Patent No. 6,229,540); and Claims 1-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Williams</u> (U.S. Patent No. 6,202,211) in view of <u>Tonelli</u>.

Applicants acknowledge with appreciation the personal interview between the Examiner and Applicants' representative on August 11, 2005. During the interview, the claimed and disclosed inventions were compared with the applied references. In particular, <u>Tonelli</u> was pointed out as describing both a simulation program and a network audit program. Also <u>Williams</u> was pointed out as being directed to television broadcast and video on demand operations. The Examiner acknowledged that neither <u>Tonelli</u> nor <u>Williams</u> disclose or suggest device, systems or methods directed to two-way video teleconferencing.

Independent Claims 1, 15, 20, 25, 27, 36 and 45 are amended to clarify that the invention is not a simulation but a device used in active teleconferences. Support for these amendments is found in Applicants' originally filed specification.[1] Claims 1-3, 5-10, 12-15, 18-23, 25, 27-30, 36, 40, 42-43 and 45 amended to correct/maintain antecedent basis. No new matter is added.

Briefly recapitulating, amended Claim 1 is directed to a system for managing video teleconferencing devices configured to exchange audio/video data. The system includes a) a

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[1] Specification, page 2, lines 2-28.

management adapter accessible to a user interface. The management adapter includes a list that identifies the video teleconferencing devices configured to exchange audio/video data. The system also includes b) a device access layer interfaced with the management adapter and the video teleconferencing devices. The device access layer represents the video teleconferencing devices as objects to support management of the video teleconferencing devices through the management adapter during set-up or conduct of an active video teleconference. Independent Claims 15, 20, 25, 27, 36 and 45 are directed to alternative embodiments of Applicants' invention. The claimed invention allows for efficient management of disparate video teleconferencing devices over an active video teleconference network.

Tonelli describes a method for designing networks including auditing a network to discover a present network configuration, creating a network design sheet from the discovered network configuration, placing device icons representing objects on the network design sheet, and connecting media types to the device icons. The bulk of Tonelli is directed to a discussion of network design software. As discussed during the interview, the network design software of Tonelli creates a mere simulation and does not support actual communications between network devices.[2]

Tonelli also describes a network audit software.[3] The network audit software of Tonelli discovers and compiles audit data that includes inventory and configuration information of the network. The software can create design sheets from the audit data which allows the user to create new designs with a network design software described in the first portion of Tonelli. The network audit software also allows the user to make comparisons of audit data against data stored in a design sheet and then optionally update the design sheet by reconciling the data therein. The audit software includes a query engine which includes a

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[2] Column 4, line 45 through column 18, line 12.
[3] Tonelli column 18, line 13 through column 22, line 28.

suite of tools that use different protocols to obtain information from devices on the network.[4]

The query engine includes a native SNMP probe and a native IPX probe. The audit software

also includes an MS SMS probe and a HP/OV probe and a SNA probe.

However, the audit software of Tonelli does not disclose or suggest Applicants'

claimed management adapter including a list that identifies the video teleconferencing

devices configured to exchange audio/video data or Applicants' claimed device access layer

representing video teleconferencing devices as objects to support management of the video

teleconferencing devices through the management adapter during set-up or conduct of an

active video teleconference. That is, Tonelli's audit software does not manage anything, but

only gathers data for further network design.

Williams describes a method and apparatus for enabling multiple users to

concurrently access a PC based server and a home local area network using conventional TVs

as display devices. A multiple client management software (MCMS) includes a metadriver

component which includes one or more metadrivers that operate between hardware and the

operating system.[5] The MCS creates multiple desktops, one desktop for each client system.

The MCS core maps each process executing on a server to the correct desktop, and maps

each desktop to the correct user interface channel. A user interface channel is defined as a

local collection of I/O facilities that completely represent the elements necessary to provide

an input and output for a given user. However, the network of Williams is a one-way

television distribution network, and is not a two-way video teleconferencing network.

Thus, regarding the rejection of independent Claims 15, 20, 25, 27, 36 and 45 under

35 U.S.C. 102(e), MPEP § 2131 notes that "[a] claim is anticipated only if each and every

element as set forth in the claim is found, either expressly or inherently described, in a single

prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2

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[4] Tonelli column 19, lines 11-54.
[5] Williams Column 7, line 55-column 8, line 46.

USPQ2d 1051, 1053 (Fed. Cir. 1987). "When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Tonelli does not disclose or suggest all the features recited in Claims 15, 20, 25, 27, 36 and 45, Tonelli does not anticipate the invention recited in Claims 15, 20, 25, 27, 36 and 45, and all claims depending therefrom.

Regarding the rejection of Claim 1 under 35 U.S.C. 103(a), MPEP §706.02(j) notes that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Also, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Without addressing the first two prongs of the test of obviousness, Applicants submit that the Official Action does not present a *prima facie* case of obviousness because both Tonelli and Williams fail to disclose all the features of Applicants' claimed invention.

Accordingly, in view of the present amendment and in light of the previous

discussion, Applicants respectfully submit that the present application is in condition for

allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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